

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Michael BOLTON

Docket Number: 2:03CR00363-03

Offender Address: Sacramento, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 09/08/2004

Original Offense: Misprision of a Felony
(CLASS E FELONY)

Original Sentence: 21 months Bureau of Prisons; 12 months supervised
release; \$100 special assessment

Special Conditions: Warrantless search; Correctional treatment; Drug
testing; Co-payment plan

Type of Supervision: Supervised Release

Supervision Commenced: 02/03/2005

Assistant U.S. Attorney: Anne E. Pings **Telephone:** (916) 554-2700

Defense Attorney: C. Emmett Mahle **Telephone:** (916) 447-1646

Other Court Action:

02/10/2005: The Court modified the defendant's conditions of
supervised release to include mental health counseling.

RE: Michael BOLTON
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NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The probation officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. NEW LAW VIOLATION

Details of alleged non-compliance: On January 21, 2006, the defendant was arrested for violation of California Penal Code Section 243(e)(1) - Battery Upon a Co-habitant (misdemeanor). According to the Booking Summary (a full report was not available at the time of this dictation), the defendant's girlfriend of 16 years reported that the defendant struck her in the lip, causing a slight red mark.

On January 23, 2006, the defendant and his girlfriend came to the probation office to discuss the above matter. The girlfriend related that she was a "little tipsy" that night when this incident occurred. She reported they were arguing when she began striking the defendant's car windows. At that time, the defendant called law enforcement for assistance. When the girlfriend heard the defendant calling, she did as well. When the police arrived, she reported the defendant struck her on the lip. The girlfriend indicated she lied to the police because the defendant called them for help. The girlfriend suffered a minor scratch on her lip that she believed she incurred while breaking the defendant's car windows. There were no visible marks on the girlfriend's face at the time of the interview. The defendant related he had told law enforcement that she was the aggressor, causing damage to his vehicle and that he had never struck her. Nonetheless, he was the one arrested.

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United States Probation Officer Plan/Justification: The defendant's term of supervised release will expire on February 2, 2006. During the course of his one-year term of supervised release, the defendant has demonstrated his willingness to abide by his conditions of supervision. He has requested assistance when needed and followed through with directives by the probation officer. He has maintained employment and has fulfilled his financial responsibilities to the Court.

In light of the girlfriend's statements to the probation officer and the defendant's termination date, it is felt that no action should be taken by the Court. Further, the defendant is scheduled to appear in state court on January 24, 2006. His criminal conduct will not go unpunished if he is found guilty of the charge.

Respectfully submitted,

/s/ Kris M. Miura

KRIS M. MIURA
United States Probation Officer
Telephone: (916) 930-4305

DATED: January 24, 2006
Sacramento, California
KMM:jz

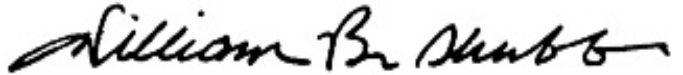
REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

RE: Michael BOLTON
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THE COURT ORDERS:

(X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

Date: January 25, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

cc: United States Probation
Anne E. Pings, Assistant United States Attorney
C. Emmett Mahle, Defense Counsel

Attachment: Presentence Report (Sacramento only)